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GANZ LAW, P.C. P O BOX 2200 HILLSBORO, OR 97123			EXAMINER KASTLER, SCOTT R	
			ART UNIT	PAPER NUMBER
			1793	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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## **DETAILED ACTION**

### ***Drawings***

The drawings as explained by applicant in the response on 12/3/2008 are accepted.

### ***Information Disclosure Statement***

Applicant's request that the citation of US publication 2007/0074844 be withdrawn is not convincing since citation of the US publication of the instant specification as being of interest is proper.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese 2002 144013 (JP'013). In the English language abstract supplied by the applicant for example, JP'013 teaches a molten metal supply device for supplying molten metal to a casting installation including a crucible (40) of a melting furnace by means of a dosing pump (17) where the discharge tube (3) projects through a cover (41) and is pivotable, where the entire dosing or metering device together with the crucible cover form a single crucible insert with a drive motor (43) arranged outside of the cover, the pump connecting pipe component (47) connecting the tube of the piston pump (57) to the discharge tube having connection openings in an upward

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direction thereby meeting the requirement that this configuration be “U-shaped”, the discharge tube (3) further bends half way up laterally towards the discharge connection piece; the device further including a feed opening for inert gas (72) located above the discharge connection piece and the discharge tube (3) further including both heat insulation (62) and a heating device (4) thereby showing all aspects of the above claims.

### ***Allowable Subject Matter***

Claims 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments filed on 12/3/2008 have been fully considered but they are not persuasive. Applicant's argument that the runner tube (3) and metering pump (42) is not persuasive at least because as stated above, the entire pump or dosing assembly is connected together, specifically for example the tube (3) and pump (17) being connected by “U” shaped tube assembly (47).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Kastler whose telephone number is (571) 272-1243. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Scott Kastler/  
Primary Examiner, Art Unit 1793

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